

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DIANE MURACH	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-11265-MLW
	)	
J'S FOUR, INC. AND	)	
JANET ARSENAULT,	)	
Defendants.	)	

ORDER

WOLF, D.J.

March 30, 2006

The court has considered the attached February 17, 2006 Report and Recommendation of the Magistrate Judge, plaintiff Diane Murach's objections to it, and the reply of defendants J's Four, Inc. and Janet Arsenault. The Report and Recommendation is well-reasoned and hereby adopted. In essence, this court agrees that the instant case is not distinguishable from Claudio-Gotay v. Becton Dickinson Caribe, Ltd., 375 F.3d 99 (1st Cir. 2004).

Accordingly, for the reasons stated by the Magistrate Judge, it is hereby ORDERED that:

1. The defendants' Motion to Dismiss (Docket No. 3) is ALLOWED. The Fair Labor Standards Act claim (Count I) is DISMISSED. The Implied Covenant of Good Faith and Fair Dealing claim is DISMISSED (Count II) without prejudice to being reinstituted in the courts of the Commonwealth of Massachusetts.

2. The defendants' Motion to Stay Discovery Pending Ruling

on Motion to Dismiss (Docket No. 9) is MOOT.

/s/ MARK L. WOLF  
UNITED STATES DISTRICT JUDGE